

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1-32. (canceled).

33. (currently amended): A nonaqueous secondary battery comprising a positive electrode containing a material capable of reversibly intercalating and deintercalating lithium, a negative electrode containing a composite oxide containing tin represented by formula (3):



wherein M^3 represents at least two elements selected from the group consisting of Al, B, P, and Si; M^4 represents at least one element selected from the group consisting of elements of groups 1 to 3 of the Periodic Table, and halogen elements; c represents a number of from 0.2 to 2; d represents a number of from 0.01 to 1; provided that $0.2 < c + d < 2$; and t represents a number of from 1 to 6, a nonaqueous electrolyte containing a lithium salt, and a separator, wherein at least one of the ~~negative electrode and positive electrode has at least one protective layer~~ the positive electrode has at least one protective layer comprising organic fine particles and inorganic fine particles.

34. (canceled).

35. (original): The nonaqueous secondary battery as in claim 33, wherein said protective layer is formed on both of the positive electrode and negative electrode.

Claims 36-38. (canceled).

39. (original): The nonaqueous secondary battery as in claim 33, wherein said protective layer comprises fine particles of water-insoluble or sparingly water-soluble alkali metal salt or alkaline earth metal salt, and at least two kinds of binders.

40. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer has substantially no electrical conductivity.

41. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer has electrical conductivity.

42. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains particles having substantially no electrical conductivity.

43. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains particles which are electrically conductive.

44. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains particles which are inorganic chalcogenide particles.

45. (previously presented): The nonaqueous secondary battery as in claim 44, wherein said inorganic chalcogenide particles contain at least one inorganic oxide selected from the group consisting of oxide of sodium, potassium, magnesium, calcium, strontium zirconium, aluminum, and silicon.

46. (original): The nonaqueous secondary battery as in claim 45, wherein said inorganic oxide is selected from the group consisting of alumina, silicon dioxide and zirconia.

47. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains electrically conductive particles selected from the group consisting of metal powders and carbon particles.

48. (previously presented): The nonaqueous secondary battery as in claim 47, wherein said electrically conductive particles are carbon particles.

49. (previously presented): The nonaqueous secondary battery as in claim 39, wherein said water-insoluble or sparingly water-soluble fine particles contained in said protective layer are in an alkali metal salt.

50. (previously presented): The nonaqueous secondary battery as in claim 39, wherein said water-insoluble or sparingly water-soluble fine particles contained in said protective layer are in an alkali earth metal salt.

51. (currently amended): The nonaqueous secondary battery as in claim 49, wherein said water-insoluble or sparingly water-soluble fine particles are a lithium salt.

52. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer has a thickness of from 1 pm to 40 μm .

53. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains electrically conductive particles in an amount of from 2.5 to 96% by weight.

54-55. (canceled).

56. (previously presented): The nonaqueous secondary battery as in claim 33, wherein said nonaqueous electrolyte contains at least one carbonic ester.

57. (new): The nonaqueous secondary battery as in claim 33, wherein said protective layer contains polyethylene fine particles and inorganic particles of ZrO_2 .